

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MEGAN MURPHY,)
Plaintiff,) Removed from:
vs.) The Circuit Court of Jackson County,
NEXSTAR BROADCASTING, INC.,) Missouri at Kansas City, Case No.
Defendant.) 2216-CV09667
) Case No. 4:22-cv-360

NOTICE OF REMOVAL

TO: The Judges of the United States District Court
For the Western District of Missouri

Defendant Nexstar Broadcasting, Inc. (“Defendant”), by and through its attorneys of record, files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1332, 1441(a), and 1446 and in support of removal states as follows:

I. Facts

1. Nexstar Broadcasting, Inc. has been named as defendant in Case No. 2216-CV09667, filed on April 28, 2022 in the Circuit Court of Jackson County, Missouri at Kansas City, styled *Megan Murphy v. Nexstar Broadcasting, Inc.* (the “State Court Action”). Plaintiff’s lawsuit contains a single count alleging discrimination in violation of 42 U.S.C. § 1981.

2. Defendant was served with Plaintiff’s Petition (“Petition”) on May 6, 2022.

3. This Notice of Removal is being filed within thirty days after service on Defendant of the Petition and is therefore timely. The Civil Cover Sheet associated with this Notice of Removal is attached hereto as **Exhibit A**. Pursuant to 28 U.S.C. § 1446, copies of all documents filed in the State Court Action, including the Petition, are attached as **Exhibit B**.

II. This Court has Federal Question Jurisdiction

4. This Court has federal question jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because Plaintiff has asserted a claim arising under 42 U.S.C. § 1981, a federal law.

5. Accordingly, this action is one where the Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and may be removed to this Court pursuant 28 U.S.C. § 1441.

III. This Court has Diversity Jurisdiction

6. Plaintiff alleges she is a citizen of the State of Missouri. **Exhibit B**, Petition at ¶ 6. Therefore, Defendant believes in good faith that Plaintiff is a citizen of the State of Missouri for purposes of diversity jurisdiction.

7. Defendant is incorporated in the state of Delaware and has its principal place of business in the state of Texas.

8. Complete diversity exists between the parties because Plaintiff is a citizen of Missouri, Defendant is incorporated in the state of Delaware and has its principal place of business in the state of Texas. *See* 28 U.S.C. § 1332.

9. While Defendant believes that Plaintiff's claims fail upon the merits, based on Plaintiff's claimed damages, Plaintiff seeks damages exceeding the jurisdictional requisite of \$75,000 based on (1) the extensive allegations and prayers for damages under Plaintiff's 42 U.S.C. § 1981 claim and (2) the availability under 42 U.S.C. § 1981 of significant damages, including compensatory and punitive damages, as well as the potential for costs and attorneys' fees.

10. Accordingly, this action is one where the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 and may be removed to this Court pursuant to 28 U.S.C. § 1441.

IV. Venue is appropriate in this Court

11. The Circuit Court of Jackson County, Missouri at Kansas City, in which this case

was originally filed, is located within the Western District of Missouri, Western Division and, therefore, venue is proper pursuant to 28 U.S.C. § 105 because it is “the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a); Local Rule 3.2(a)(1)(a).

12. Written notice of the filing of this Notice of Removal will be served upon counsel for Plaintiff and filed with the Clerk of the Circuit Court of Jackson County, Missouri at Kansas City as required by law.

13. By this notice of Removal, Defendant is not waiving any defenses, jurisdictional or otherwise, that it may possess. Defendant also does not concede that Plaintiff has stated a claim against it.

WHEREFORE, Nexstar Broadcasting, Inc. hereby removes this action from the Circuit Court of Jackson County, Missouri at Kansas City to the United States District Court for the Western District of Missouri.

Dated: May 31, 2022

Respectfully submitted,

JACKSON LEWIS P.C.

/s/ Karen R. Glickstein

Karen R. Glickstein, MO Bar #37083
Ariel L. Gutovitz, MO Bar #74425
7101 College Blvd, Suite 1200
Overland Park, KS 66210
Telephone: (913) 981-1018
Facsimile: (913) 981-1019
Karen.Glickstein@jacksonlewis.com
Ariel.Gutovitz@jacksonlewis.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May 2022, a true copy of the foregoing Notice of Removal was filed electronically with the Clerk of the Court using the CM/ECF electronic filing system, with a copy sent via electronic mail, to the following counsel of record for Plaintiff:

Kenneth D. Kinney
Thomas F. Ralston
RALSTON KINNEY, LLC
4717 Grand Avenue, Suite 300
Kansas City, MO 64112
tom@rklawllc.com
ken@rklawllc.com

Dennis E. Egan
THE POPHAM LAW FIRM, PC
712 Broadway, Suite 100
Kansas City, MO 64105
degan@popham.com

ATTORNEYS FOR PLAINTIFF

/s/ Karen R. Glickstein
AN ATTORNEY FOR DEFENDANT